

By: Farahan

S.J.R. No. 6

SENATE
A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the placement of
2 state inmates in the penal or correctional facilities of other
3 states.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article I, Section 20, of the Texas Constitution
6 is amended to read as follows:

7 "Section^{tion} 20. No citizen shall be outlawed. No[~~7-ner-shall~~-any]
8 person shall be transported out of the State for any offense
9 committed within the same. This section does not prohibit an
10 agreement with another state providing for the confinement of
11 inmates of this State in the penal or correctional facilities of
12 that state. "

13 SECTION 2. This proposed constitutional amendment shall be
14 submitted to the voters at an election to be held on November 5,
15 1985. The ballot shall be printed to provide for voting for or
16 against the proposition: "The constitutional amendment to permit
17 state prisoners to be placed in penal facilities of another state
18 pursuant to an interstate agreement."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

January 29, 1985

Honorable Kent A. Caperton, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 6
By: Farabee

Sir:


In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections; LBB Staff: JO, JH, JA, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 1, 1985

Honorable Ray Keller, Chair
Committee on Law Enforcement
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 6,
as engrossed
By: Farabee

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6, as engrossed (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections;
LBB Staff: JQ, JH, JA, DS

1 By: Farabee

S.J.R. No. 6

2 (In the Senate - Filed January 14, 1985; January 14, 1985,
3 read first time and referred to Committee on Criminal Justice;
4 February 6, 1985, reported favorably; February 6, 1985, sent to
5 printer.)

6 SENATE JOINT RESOLUTION

7 proposing a constitutional amendment relating to the placement of
8 state inmates in the penal or correctional facilities of other
9 states.

10 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

11 SECTION 1. Article I, Section 20, of the Texas Constitution
12 is amended to read as follows:

13 "Section 20. No citizen shall be outlawed. ~~No[any]~~ person shall be transported out of the State for any offense
14 committed within the same. This section does not prohibit an
15 agreement with another state providing for the confinement of
16 inmates of this State in the penal or correctional facilities of
17 that state."

18
19 SECTION 2. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held on November 5,
21 1985. The ballot shall be printed to provide for voting for or
22 against the proposition: "The constitutional amendment to permit
23 state prisoners to be placed in penal facilities of another state
24 pursuant to an interstate agreement."

25 * * * * *

26 Austin, Texas
27 February 6, 1985

28 Hon. William P. Hobby
29 President of the Senate

30 Sir:

31 We, your Committee on Criminal Justice to which was referred S.J.R.
32 No. 6, have had the same under consideration, and I am instructed
33 to report it back to the Senate with the recommendation that it do
34 pass and be printed.

35 Caperton, Chairman

A BILL ANALYSIS

C.S.H.J.R. 6

By: Santiesteban

BACKGROUND: Recent policy changes within the federal government have resulted in the diminishment of the federal role in the financing of state capital-intensive water projects. In Texas, where water is not plentiful in many parts of the state, this change has serious financial implications--the state must either take up the slack or simply fail to continue to provide the services that the federal money funded. According to a recent Department of Water Resources study, by the year 2005, Texas needs to construct approximately 4500 new municipal wells at a cost of about \$500 million in order to meet future water demands. S.J.R. 7 would help generate the funds to implement a state-wide water management plan with the goal of maximizing water resources in Texas.

This resolution would authorize the issuance of an additional \$1 billion in Water Development Fund bonds of which \$400 million is to be used for state participation in acquisition and development of facilities for the storage, transmission, transportation, and treatment of water and wastewater. This resolution would also permit the legislature to provide that \$5 million of the proceeds from the sale of these bonds could be used to fund a pilot program to provide low-interest loans to purchasers of agricultural water conservation systems. The legislature is further authorized to issue up to \$200 million in agricultural water conservation bonds, proceeds from the sale of which would be deposited in an agricultural water conservation fund.

The resolution also clarifies the state's role in the development of suitable dam construction sites.

Finally, CSSJR 7 clarifies the constitutional authority of certain loan assistance funds established during the 67th Legislature. These funds have never been used because the bond proposal that was to fund them failed in 1981. However, constitutional experts have questioned the constitutionality of these funds. This proposal would resolve those questions.

PURPOSE: The purpose of this resolution is to promote water development and encourage water conservation in the State by increasing the bonding authorization of the Water Development Fund and by creating an agricultural soil and water conservation fund. The resolution also clarifies the constitutional authority of certain special funds created in the state treasury.

SECTION BY SECTION ANALYSIS

SECTION 1 Amends Article III of the Texas Constitution by adding Section 49-d-2, 49-d-3, 49-d-4, and 50-d as follows:

Section 49-d-2(a) Permits the Texas Water Development Board to issue an additional \$1 billion in Texas Water Development Bonds. Of these additional bonds, \$800 million are to be used for purposes described in Sections 49-c and 49-d of this article, provided that \$200 million are to be used exclusively for flood control projects, and \$400 million are used to acquire and develop facilities for storage, transmission, transportation, and treatment of water. The legislature may set limits on the state's participation in each fiscal year. The remaining \$200 million of the bonds are dedicated for purposes set out in Section 49-d-1 of this article.

(b) The Texas Water Development Board shall determine the terms, denominations and other details relating to the bonds pursuant to limitations in this article and in state laws.

(c) Proceeds from the sale of these bonds are to be deposited in the water development fund to be used as provided by law.

(d) Financial assistance made possible under this section is subject only to the availability of funds. The deadline described in Section 49-c does not apply to financial assistance under this section.

(e) Bonds issued under this section shall bear interest as provided by Section 65 of this article.

(f) Permits the legislature to authorize the use of up to \$5 million of the proceeds of this additional bond authorization to establish a pilot program to provide low-interest loans for purchasers of agricultural water conservation systems.

Section 49-d-3(a) Permits the legislature to create special funds in the treasury for water conservation and development-related purposes. This money may be made available in the form of grants, loans, or other means.

(b) Money that has been deposited in one of these funds may not be used to finance projects that would remove water from its original basin and that is necessary to meet water supply needs within the next 50 years.

Section 49-d-2 Provides for the legislature by law, under Sections 49-c, 49-d, 49-d-1, or 49-d-2 of this article, to extend any benefits to nonprofit water supply corporations that it extends to a district created or organized under Article XVI, Section 59, of the Constitution.

Section 50-d (a) On a two-thirds vote of the legislature, the Board may issue and sell up to \$200 million in agricultural water conservation bonds.

(b) The proceeds from these bonds shall be deposited in a fund in the state treasury called the agricultural water conservation fund.

(c) These bonds are general obligations of the state. The principal and interest on outstanding or unpaid bonds is to be paid from the first unappropriated money coming into the treasury.

(d) The legislature shall establish the terms and other details relating to the sale and management of the bonds.

(e) Prohibits the legislature from approving and the Texas Water Development Board from issuing agricultural water conservation bonds more than six years after the date on which this section becomes part of the constitution.

SECTION 2: Amends Article III, Section 49-d of the Texas Constitution as follows:

Section 49-d states that, in the area of encouraging the optimum development of suitable dam sites, part of the state's policy is to encourage the optimum regional development of systems built for filtration, treatment and transmission of water or wastewater. This is to be a consideration whether or not such a system is connected with a reservoir in which the state has financial interest. Language is deleted which allows the use of proceeds from the sale of Water Development Fund bonds to pay for permitting the transportation of water from storage to points of treatment.

SECTION 3: Sets election date for November 5, 1985 and states mandatory ballot language.

RULE-MAKING AUTHORITY

1. Authorizes the Texas Water Development Board to issue an additional \$ billion in Texas Water Development Fund Bonds.

2. The legislature is given the authority to issue \$200 million in agricultural water conservation fund bonds and to establish terms necessary for their management. They are further permitted to authorize the use of up to \$5 million of the Water Development Fund bonds to

establish a pilot program for the provision of low-interest conservation equipment loans.

3. Permits the legislature to create certain special funds in the state treasury.

}

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

January 29, 1985

Honorable Kent A. Caperton, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 6
By: Farabee

Sir:


In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections; LBB Staff: JO, JH, JA, LV

Feb. 12 19 85 Engrossed

Patsy Spaw
Engrossing Clerk

I certify that the attached is a true and correct
copy of SJR 6, which was
received from the Senate on FEB 13 1985, and
referred to the Committee on Law Enforcement

Bert M. Messing
Chief Clerk of the House

By: Farabee
(Cain)

S.J.R. No. 6

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the placement of
state inmates in the penal or correctional facilities of other
states.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Section 20, of the Texas Constitution
is amended to read as follows:

"Section 20. No citizen shall be outlawed. ~~No~~ ~~any~~ person shall be transported out of the State for any offense
committed within the same. This section does not prohibit an
agreement with another state providing for the confinement of
inmates of this State in the penal or correctional facilities of
that state."

SECTION 2. This proposed constitutional amendment shall be
submitted to the voters at an election to be held on November 5,
1985. The ballot shall be printed to provide for voting for or
against the proposition: "The constitutional amendment to permit
state prisoners to be placed in penal facilities of another state
pursuant to an interstate agreement."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

January 29, 1985

Honorable Kent A. Caperton, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 6
By: Farabee

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections; LBB Staff: JO, JH, JA, LV

HOUSE
COMMITTEE REPORT
1st. Printing

ASSEMBLY 21 FEB 21 1985
HOUSE OF REPRESENTATIVES

By: Farabee
(Cain)

S.J.R. No. 6

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Section 20, of the Texas Constitution is amended to read as follows:

"Section 20. No citizen shall be outlawed. No[7-ner-shall
any] person shall be transported out of the State for any offense
committed within the same. This section does not prohibit an
agreement with another state providing for the confinement of
inmates of this State in the penal or correctional facilities of
that state."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit state prisoners to be placed in penal facilities of another state pursuant to an interstate agreement."

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

3-20-85
(date)

Sir:

We, your COMMITTEE ON LAW ENFORCEMENT, to whom was referred S.J.R. 6 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

The Committee recommends that this measure be placed on the ~~(Local)~~ or ~~(Consent)~~ Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure Rep. David Cain

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Keller, Ch.	<input checked="" type="checkbox"/>			
Hightower, V.C.	<input checked="" type="checkbox"/>			
Ceverha, C.B.O.	<input checked="" type="checkbox"/>			
Burnett	<input checked="" type="checkbox"/>			
Granoff	<input checked="" type="checkbox"/>			
Johnson, C.	<input checked="" type="checkbox"/>			
Melton	<input checked="" type="checkbox"/>			
Short	<input checked="" type="checkbox"/>			
Tallas	<input checked="" type="checkbox"/>			

Total
9 aye
0 nay
0 present, not voting
0 absent

Ray Keller
CHAIRMAN
Laura Calfee
COMMITTEE COORDINATOR

S.J.R. 6
BY: FARABEE

COMMITTEE ON LAW ENFORCEMENT

BILL ANALYSIS

BACKGROUND:

The Texas Constitution does not allow a person who has committed an offense in Texas to be transferred to another state.

PURPOSE:

This joint resolution proposes a constitutional amendment allowing Texas to place inmates in correctional facilities of other states.

SECTION BY SECTION ANALYSIS:

SECTION 1.

Amending Article I, Section 20, Texas Constitution.

Sec. 20.

-Adding new language and deleting existing language to state no person shall be transported out of Texas for offense committed in Texas.

SECTION 2.

-Proposed constitutional amendment shall be submitted to the voters on November 5, 1985, submitted with the following language: "The constitutional amendment to permit state prisoners to be placed in penal facilities of another state pursuant to an interstate agreement."

SUMMARY OF COMMITTEE ACTION:

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on March 20, 1985. Representative Keller introduced S.J.R. 6 and Representative Burnett moved to report S.J.R. 6 favorably to the floor of the House of Representatives. The full committee voted to report S.J.R. 6 to the House without amendments and the recommendation that it do pass, by a record vote of 9 ayes, 0 nays.

No testimony was given.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 1, 1985

Honorable Ray Keller, Chair
Committee on Law Enforcement
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 6,
as engrossed
By: Farabee

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6, as engrossed (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections;
LBB Staff: JO, JH, JA, DS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

January 29, 1985

Honorable Kent A. Caperton, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 6
By: Farabee

Sir:

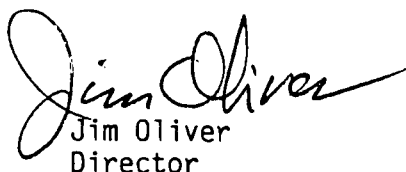
In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

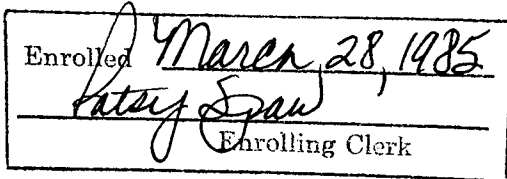
The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections; LBB Staff: JO, JH, JA, LV



S.J.R. No. 6

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article I, Section 20, of the Texas Constitution is amended to read as follows:

"Section 20. No citizen shall be outlawed. No[~~7-ner-shall~~ any] person shall be transported out of the State for any offense committed within the same. This section does not prohibit an agreement with another state providing for the confinement of inmates of this State in the penal or correctional facilities of that state."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit state prisoners to be placed in penal facilities of another state pursuant to an interstate agreement."

S.J.R. No. 6

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 6 was adopted by the Senate on February 12, 1985, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 6 was adopted by the House on March 27, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Chief Clerk of the House

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 1, 1985

Honorable Ray Keller, Chair
Committee on Law Enforcement
House of Representatives
Austin, Texas

In Re: Senate Joint Resolution No. 6,
as engrossed
By: Farabee

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6, as engrossed (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections;
LBB Staff: JO, JH, JA, DS

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

January 29, 1985

Honorable Kent A. Caperton, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: Senate Joint Resolution No. 6
By: Farabee

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 6 (proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

The cost of publication of the resolution is \$48,100.

The resolution proposes a constitutional amendment to allow the placement of state inmates in correctional facilities of other states. The fiscal implication of this resolution cannot be determined, since the type of agreements with other states is not known.

No fiscal implication to units of local government is anticipated.


Jim Oliver
Director

Source: Department of Corrections; LBB Staff: JO, JH, JA, LV

S.J.R. No. 6

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 6 (1) was ~~passed~~ ^{adopted} by the Senate on February 12 (2), 1985, by the following vote:
Yeas 31 (3), Nays 0 (4).

Secretary of the Senate

I hereby certify that S.J.R. No. 6 (1) was ~~passed~~ ^{adopted} by the House on March 27 (5), 1985, by the following vote:
Yeas 143 (6), Nays 0 (7), two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. J. R. No. 6

By Fordice

Proposing a constitutional amendment relating to the placement of state inmates in the penal or correctional facilities of other states.

JAN 14 1985 Filed with the Secretary of the Senate.
FEB 6 1985 Read, referred to Committee on Criminal Justice
Reported favorably.
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed.
FEB 12 1985 Senate and Constitutional Rules to permit consideration suspended by unanimous consent.
To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
FEB 12 1985 Read second time and { ordered engrossed.
passed to third reading.
Caption ordered amended to conform to body of bill.
FEB 12 1985 Senate and Constitutional 3-Day Rules suspended by vote of 30 yeas, 1 nays to place bill on third reading and final passage.
FEB 12 1985 Read third time and passed by { 31 yeas, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

Feb. 12, 1985 Engrossed
Feb. 13, 1985 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

FEB 13 1985 Received from the Senate
FEB 25 1985 Read first time and referred to Committee on Law Enforcement
3-20-85 Reported favorably amended, sent to Printer 4:25 p.m. MAR 21 1985
MAR 21 1985 Printed and Distributed 9:05 p.m.
MAR 22 1985 Sent to Committee on Calendars 9:21 am
MAR 27 1985 Read second time (amended) and finally adopted
failed adoption by Record Vote of 143 yeas 0 nays 2 present not voting
Read third time (amended) and finally adopted
failed adoption by a Record Vote of _____ yeas _____ nays _____ present not voting
Caption ordered amended to conform to body of resolution
MAR 28 1985 Returned to Senate.

Betty Murray
Chief Clerk of the House

MAR 28 1985 RETURNED FROM HOUSE

005 MAR 21 PM 9 05

HOUSE OF REPRESENTATIVES